



U.S. Department of Justice

*United States Attorney
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June 1, 2021

Hon. Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
40 Foley Square
New York, New York 10007

Re: *Schulte v. BOP*, 20 Civ. 2795 (PGG) (GWG)

Dear Judge Gorenstein:

I write respectfully on behalf of the federal defendant (“the Government”) in response to the Court’s order dated May 25, 2021, directing the Government to address Plaintiff’s May 5, 2021 letter. [ECF No. 40]. Specifically, Plaintiff alleges that he is not receiving his mail timely and that “[e]very opinion, order, and notice from the district court to Mr. Schulte is being delayed by 30-60 days.” Plaintiff requests that the Court compel MCC to “deliver court correspondence in a timely manner.” *Id.* Plaintiff’s requests should be denied for the reasons stated below.

Schulte is subject to Special Administrative Measures (“SAMs”) pursuant to 28 C.F.R. §501.3 because of his high-risk detainee status and because there is a substantial risk that his communications will pose a threat to the national security of the United States. The BOP made this determination based on the criminal charges pending against him, which include allegations that he leaked classified Central Intelligence Agency information to WikiLeaks. In addition, Plaintiff tried to have two cellphones smuggled into MCC and violated a protective order governing disclosure of protected information. Thus, SAMs procedures require that mail relating to Plaintiff arrives in the MCC New York Mail room, then is sent to both the SIS and the FBI for inspection before it is released to the unit team to deliver to the inmate. The entire process sometimes takes a few weeks. ECF No. 37.

Plaintiff’s most recent letter states that he received a letter from the court on May 5, 2021, that was allegedly postmarked April 2, 2021. As previously explained, the MCC does not maintain records of the postmarking of mail, and therefore is unable to verify the date the letter was postmarked. However, the BOP agrees that the mail was delivered to Plaintiff on May 5, 2021. The BOP is diligently processing Plaintiff’s mail, but the MCC has set procedures in place for SAMs inmates, and Plaintiff’s mail is being handled in accordance with those procedures and BOP policies and program statements. Nor has Plaintiff identified any prejudice that he has suffered as a result of the delays resulting from the review of his mail pursuant to the SAMs.

We thank the Court for its consideration of this letter.

Respectfully submitted,

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